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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/583,336	05/31/2000	William F. Reeves		2397

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William Reeves
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EXAMINER	
KOPPIKAR, VIVEK D	
ART UNIT	PAPER NUMBER
3626	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/583,336	REEVES, WILLIAM F.	
	Examiner	Art Unit	
	Vivek D. Koppikar	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 February 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *58-77* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *58-77* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Status of the Application

1. Claims 58-77 have been examined in this application. This is a Final Office Action in response to the "Amendment" and "Remarks" filed on February 5, 2007.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 58-63, 66-70, 72, 74 and 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeager in view of Sellers, Wilcox and US Patent Number 6,401,206 to Khan and in even further view of Official Notice.

(A) As per claim 58, the combined teachings of Yeager in view of Sellers, Wilcox and Khan collectively teach an electronic system for storing, retrieving and organizing digital medical records and other vital personal information from bodily worn or carried storage devices, the system comprising:

a storage device that is carried or worn capable of storing digital medical records and other vital personal emergency information of the user (Yeager: Figure 1, Table 1 and Page 5, Ln. 1-26);

means for the rapid access, erasing, and updating of the digital medical records and personal data of the user (Yeager: Page 5, Ln. 18-23);

means for access, display, and periodically the digital records within the storage device via a modem, Internet or communications link (Yeager: Page 6, Ln. 28-Page 7, Line 8);

software for operating and controlling said electronic system including the functions of: digitizing, controlling, organizing, printing, transmitting, updating, modeming, and displaying the digital records in condensed page format for emergency medical treatment and other applications and usage (Yeager: Figure 1 and Page 5, Ln. 14-26).

Yeager does not teach the following features which are taught by Sellers:

means for docking or porting the storage device to portable or stationary computer devices for the records: access, launching, display, organization, transfer, reading, writing, erasing, modeming, and updating (Sellers: Col. 5, Ln. 19-42); and

means for accessing the digital records from the storage device using either wireless or contact electronic components and ports (Sellers: Col. 5, Ln. 19-42).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the system of Yeager with the above, aforementioned features from Sellers with the motivation of providing a cheap and inexpensive system for transmitting medical information and person information for emergency treatment, as recited in Sellers (Col. 2, Ln. 16-19 and Ln. 45-48).

Yeager and Sellers do not teach a portable storage or disk for storing medical records, however, this feature is taught by Wilcox (Col. 2, Ln. 64-Col. 3, Ln. 15). At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the combined system of Yeager and Sellers with the aforementioned features from Wilcox with the

motivation of providing a small, portable and easily worn electronic data storage device that can interface with an external accessing system, as recited in Wilcox (Col. 1, Ln. 8-10).

Yeager, Sellers and Wilcox do not teach the following features which are taught by Khan:

means for recognizing and authenticating the storage device via a unique digital identifier unique to said bodily worn storage device and stored in the storage device, when the storage device is ported to the computer devices (Khan: Col. 4, Ln. 35-63; Col. 13, Ln. 33-50 and Claims 2, 5 and 24) (Note: The Examiner takes the position that it is inherent in the art that the term "unique digital identifier" can refer either to an identification of a particular person or a device wherein recognition and authentication of the storage device occurs via a unique identifier unique to the storage device. This is similar how a garage door opener has a unique identifier unique to a particular garage door opening unit. The Examiner takes Official Notice for this feature and at the time of the invention it would have been obvious for one of ordinary skill in the art to have modified the above references with this aforementioned teaching with the motivation of having a means of linking a particular bodily worn storage device to a particular (larger) storage device)); and

means for encrypting the records within the storage device for confidentiality and security (Khan: Abstract).

In Khan the storage device is bodily worn (portable) (Khan: Col. 4, Ln. 35-63).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the combined teachings of Yeager, Sellers and Wilcox with the aforementioned teachings from Khan with the motivation of having a means creating a secure

digital identity of an individual which is portable, as recited in Khan (Col. 1, Ln. 7-11 and Col. 4, Ln. 35-45).

(B) As per claim 59, the examiner takes Official Notice that at the time of the invention it would have been obvious for one of ordinary skill in the art to have enclosed the storage system collectively disclosed by Yeager, Sellers, Wilcox in view of Khan in a waterproof device with the motivation of providing strength to the system so that it would be able to ensure harsh conditions (e.g. when a person is swimming or is otherwise exposed to water or the rain).

(C) As per claim 60, in Yeager the storage and rapid access of the digital medical records from the data storage device is via non-volatile memory components (Yeager: Page 7, Ln. 1-8).

(D) As per claim 61, in Yeager the devices are portable (Yeager: Abstract).

(E) As per claim 62, in Yeager the stationary computers include personal computers (Yeager: Abstract).

(F) As per claim 63, in the combined system of Yeager in view of Sellers, Wilcox and Khan the security encryption provides a high degree of security and the unique identifiers allow only authorized storage devices and authorized users to access and communicate with the system (Khan: Col. 4, Ln. 35-63; Col. 13, Ln. 33-50 and Claims 2, 5 and 24).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the combined teachings of Yeager, Sellers and Wilcox with the aforementioned teachings from Khan with the motivation of having a means creating a secure digital identity of an individual which is portable, as recited in Khan (Col. 1, Ln. 7-11 and Col. 4, Ln. 35-45).

(G) As per claim 66, in the combined system of Yeager in view of Sellers, Wilcox and Khan the wireless or contact electronic components include serial ports (Sellers: Col. 5, Ln. 55-57). The motivation for making this modification to the system of Yeager is the same as that set forth in the rejection of claim 58, above.

(H) As per claim 67, in the combined system of Yeager in view of Sellers, Wilcox and Khan the software provides for compatible and seamless use and operation of the digital records among the storage device and the computer devices by use of common software and operating platform (Khan: Col. 4, Ln. 35-53 and Col. 13, Ln, 18-32). The motivation for making this modification to Yeager is the same as set forth in the rejection of claims 58, above. (Note: Khan does not explicitly teach the there is software which provides for compatible and seamless use and operation of the digital records among the storage device and the computer devices by use of common software and operating platform, however, the examiner takes the position that this feature is inherent in Khan in that if the feature did not exist the invention of Khan would be inoperable because then, the data would not be read from the portable (bodily worn) storage device to the computer when the storage device was ported to the computer.

(G) As per claim 68, Yeager in view of Sellers, Wilcox and Khan collectively teach the process of storing, retrieving, and organizing digital medical records and other vital personal information from bodily worn or carried storage devices, the process comprising the steps of -inputting digital records into said bodily worn or carried device organizing said digital records in data field and page format for treatment in medical emergencies and other situations (Yeager: Figure 1, Table 1 and Page 5, Ln. 1-26);

-accessing and displaying said digital records using portable or stationary computer devices (Yeager: Page 6, Ln. 28-Page 7, Line 8).

Yeager does not teach the following features which are taught by Sellers:

-transmitting said digital data to and from said storage devices using a modem and telecommunications systems (Sellers: Col. 5, Ln. 19-42); and

-docking said storage device to said computer devices using either wireless or port connections (Sellers: Col. 5, Ln. 19-42).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the system of Yeager with the above, aforementioned features from Sellers with the motivation of providing a cheap and inexpensive system for transmitting medical information and person information for emergency treatment, as recited in Sellers (Col. 2, Ln. 16-19 and Ln. 45-48).

Yeager and Sellers do not teach a portable storage or disk for storing medical records, however, this feature is taught by Wilcox (Col. 2, Ln. 64-Col. 3, Ln. 15). At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the combined process of Yeager and Sellers with the aforementioned features from Wilcox with the motivation of providing a small, portable and easily worn electronic data storage device that can interface with an external accessing system, as recited in Wilcox (Col. 1, Ln. 8-10).

Yeager, Sellers and Wilcox do not teach the following features which are taught by Khan:

means for recognizing and authenticating the storage device via a unique digital identifier unique to said bodily worn storage device and stored in the storage device, when the

storage device is ported to the computer devices (Khan: Col. 4, Ln. 35-63; Col. 13, Ln. 33-50 and Claim 24); (Note: The Examiner takes the position that it is inherent in the art that the term "unique digital identifier can refer either to an identification of a particular person or a device wherein recognition and authentication of the storage device occurs via a unique identifier unique to the storage device. This is similar how a garage door opener has a unique identifier unique to a particular garage door opening unit. The Examiner takes Official Notice for this feature and at the time of the invention it would have been obvious for one of ordinary skill in the art to have modified the above references with this aforementioned teaching with the motivation of having a means of linking a particular bodily worn storage device to a particular (larger) storage device)); and

means for encrypting the records within the storage device for confidentiality and security (Khan: Abstract).

In Khan the storage device is bodily worn (portable) (Khan: Col. 4, Ln. 35-45).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the combined teachings of Yeager, Sellers and Wilcox with the aforementioned teachings from Khan with the motivation of having a means creating a secure digital identity of an individual which is portable, as recited in Khan (Col. 1, Ln. 7-11 and Col. 4, Ln. 35-45).

(H) As per claim 69, in the combined process of Yeager, Sellers, Wilcox and Bisbee the step of inputting said digital records further comprises a step of assigning the digital records to specific data field within a digital page (Yeager: Table 1).

(I) As per claim 70, in the combined process of Yeager, Sellers, Wilcox and Bisbee the step of organizing said digital records further comprises a step of organizing said digital data into condensed medical history pages based on clinical relevance in a medical emergency. (Note: In a medical emergency the most important information is the name, sex and blood type of an individual and these types of data are at the top of the aforementioned table in Yeager which shows their clinical relevance, especially in a medical emergency.)

(J) As per claim 72, in the combined process of Yeager, Sellers, Wilcox and Bisbee the step of transmitting said data to and from said storage device by use of said modem further comprises the step of converting said digital data to an AM, FM, Broadband or other wireless digital signal for wireless or hardwired data communication (Yeager: Page 5, Ln. 20-26).

(K) As per claim 74, in the combined process of Yeager, Sellers, Wilcox and Bisbee the step of organizing said digital records into condensed medical history further comprises the steps of placing said data in chronological order and prioritizing said data based on the pre-existing medical conditions of the bodily worn device user (organizing records) (Yeager: Figures 7A-7B and Page 7, Ln. 20-Page 8, Ln. 10).

(L) As per claim 77, in the combined process of Yeager, Sellers, Wilcox and Bisbee the step of transmitting said digital data using said modem further comprises the step of sending said digital data to and from an Internet website (Yeager: Page 13, Lines 5-16)

4. Claims 64-65, 71, 73, 75 and 76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeager, Sellers, Wilcox and Khan, as applied to Claim 58 and 68, above, respectively, and in further view of Bisbee.

(A) As per claims 64-65, Yeager in view of Sellers, Wilcox and Khan do not teach a modem is used to upload or download information from the storage device for periodic updates, the access to the records for medical, insurance or other personal matters and the modem links the storage device to the computer devices to a website, however, this feature is taught by Bisbee (Col. 5, Ln. 1-16).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the combined system of Yeager, Sellers, Wilcox and Khan with the aforementioned features from Bisbee with the motivation of providing security when transferring and retrieving documents in digital formats as recited in Bisbee (Col. 1, Ln. 9-11).

(B) As per claim 71, in the combined process of Yeager, Sellers, Wilcox and Khan there is not a step of accessing and displaying the digital records which further comprises the step of recognizing said storage device as a medical records device and automatically displaying the digital records, however, this feature is taught in Bisbee (Abstract and Col. 2, Ln. 46-56).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the combined system of Yeager, Sellers, Wilcox and Khan with the aforementioned features from Bisbee with the motivation of providing security when transferring and retrieving documents in digital formats as recited in Bisbee (Col. 1, Ln. 9-11).

(M) As per claim 73, in the combined process of Yeager, Sellers, Wilcox and Khan there is not a step of docking said storage device to said computer device further comprises the step of authenticating said storage device, prior to displaying said records, by comparing said unique identified stored within said storage device to a database of master identifiers stored within said computer system, however, this feature is taught in Bisbee. (Abstract and Col. 2, Ln. 45-56).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the combined system of Yeager, Sellers , Wilcox and Khan with the aforementioned features from Bisbee with the motivation of providing security when transferring and retrieving documents in digital formats as recited in Bisbee (Col. 1, Ln. 9-11).

(O) As per claim 75, in the combined process of Yeager, Sellers, Wilcox and Khan there is not a step of authenticating said storage devices further comprises the step of rejecting said storage device from use within said system if said identifier stored within said storage device is not recognized by said system software, however, this feature is taught by Bisbee Col. 2, Ln. 44-56).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the combined system of Yeager, Sellers , Wilcox and Khan with the aforementioned features from Bisbee with the motivation of providing security when transferring and retrieving documents in digital formats as recited in Bisbee (Col. 1, Ln. 9-11).

(P) As per claim 76, in the combined process of Yeager, Sellers, Wilcox and Khan do not teach the step of encrypting said digital records further comprises the step of decrypting said digital records after the system recognizes said storage device and allows said system to access and use said decrypted digital records, however, this feature is taught by Bisbee Col. 2, Ln. 44-56).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the combined system of Yeager, Sellers , Wilcox and Khan with the aforementioned features from Bisbee with the motivation of providing security when transferring and retrieving documents in digital formats as recited in Bisbee (Col. 1, Ln. 9-11).

Response to Arguments

5. Applicant's arguments set forth in the "Remarks" section on February 5, 2007 will be addressed in sequential order as they were set forth in this communication.

(1) In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

(2) All the other arguments the applicant has set forth in the "Remarks" section filed on February 5, 2007 with respect to the pending claims have been considered but are moot in view of the new grounds of rejection.

Conclusion

6. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP §.706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquire concerning this communication or earlier communications from the examiner should be directed to Vivek Koppikar, whose telephone number is (571) 272-5109. The examiner can normally be reached from Monday to Friday between 8 AM and 4:30 PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached at (571) 272-6776. The fax telephone numbers for this group are either (571) 273-8300 or (703) 872-9326 (for official communications including After Final communications labeled "Box AF").

Another resource that is available to applicants is the Patent Application Information Retrieval (PAIR). Information regarding the status of an application can be obtained from the (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAX. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, please feel free to contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sincerely,

Vivek Koppikar

4/9/2007

C. LUKE GILLIGAN
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600